

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)	8:06CV580
)	
APARTMENTS AT TIMBER RIDGE, L.P.,)	BK05-82135
a/k/a Tiber Ridge Apartments,)	
)	
Debtor.)	

IN THE MATTER OF)	8:06CV582
)	
ARBORS SS, L.P.)	BK04-83569
)	
Debtor.)	

ORDER

This matter is before the court following a hearing to show cause scheduled in this case today. Although ordered to appear, Mr. Richard Wagner failed to do so. The court has issued a bench warrant for his arrest.

Bankruptcy Judge Timothy Mahoney previously heard this case and ordered Mr. Wagner to produce certain documents. Mr. Wagner failed to do so. Filing No. 1. The bankruptcy court found Mr. Wagner in contempt and gave him until July 28, 2006, to purge himself of this contempt. *Id.*; Bank. Ct. Filing No. 133, Bankr. No. BK05-82135. Judge Mahoney filed a report and recommendation asking this court to sanction Mr. Wagner for his repeated refusals to follow court orders. Filing No. 1. This court then scheduled a show cause hearing for Mr. Wagner. Filing Nos. 4 and 8.

The court finds that both of these matters, (1) the refusal to obey court orders of Judge Timothy Mahoney, and (2) the failure to appear in this court for the show cause hearing, should be referred to the United States Attorney for consideration and for a

determination of how to proceed in this matter. 18 U.S.C. §§ 3691; Fed. R. Crim. P. 42.

IT IS ORDERED that these matters are hereby referred to the United States Attorney for consideration as set forth herein.

DATED this 13th day of October, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge